

Election Expenses Bill

the meaning of Citation 382, that we decline to give second reading to the bill; further, we have brought forward a resolution, the one I read, declaratory of a principle adverse to or differing from the principles, policy or provisions of the bill. We have done this in precisely the same way as it was done in the United Kingdom and with precisely the same kind of language that Mr. Speaker in the United Kingdom accepted. I suggest to Your Honour with the greatest respect that it will be necessary to very badly torture the meaning of those words which I quoted from the United Kingdom precedent and citation 382 to hold that the amendment which the hon. member has moved does not meet those requirements.

• (1210)

Some hon. Members: Hear, hear!

Mr. MacEachen: Mr. Speaker, I am very happy that last night the Speaker raised the question of reasoned amendments at the second reading stage of a bill. I have been concerned about the gradual trend toward the acceptance of second reading reasoned amendments in the House. I remember the time I worked for the opposition from 1958 to 1962. I had been temporarily retired from the House of Commons and was working with the then Leader of the Opposition, the Right Hon. Mr. Pearson. One of the jobs I had was to work on the question of procedure.

Mr. Baldwin: Your experience will come in handy.

Mr. MacEachen: That was really the way I became interested in what I thought was a rather occult and mysterious art that could only be practised by mystiques like the hon. member for Winnipeg North Centre (Mr. Knowles). However, necessity drove me to the study of procedure. Over those four years we contrived to develop reasoned amendments on second reading. It was most difficult to have any of them accepted. We had good advocates on the opposition side, including the present government leader in the Senate and the present chairman of the Canadian Transport Commission, who was undoubtedly the best procedural expert on our side at that time. He was far ahead of any other person, probably because he had become accustomed to the study of procedure in his years with Mr. King and Mr. St. Laurent. Even his advocacy, and that of the present government House leader in the Senate, almost always failed to have a reasoned amendment accepted on second reading.

Mr. Speaker Michener, who occupied the chair at that time, was most meticulous. It appeared as though he had to pay huge sums of money out of his own pocket if a second reading amendment went before the House. There were only a few in four years. It seems to me that it is a very desirable practice to get back to the rigid application of the tradition on second reading amendments. If it is not applied rigidly, there will be a gradual development leading to the acceptance of any type of amendment on second reading.

The tradition has always been that a member who proposes a second reading reasoned amendment is giving advance notice to the House that he intends to vote against and do everything possible to defeat the bill. It is highly contradictory for any member to move a second reading reasoned amendment, and then vote for the bill

[Mr. Baldwin.]

when it is called for second reading. The implication is that you are opposed to the bill. You have resorted to a device, a second reading reasoned amendment, which, if accepted, kills the bill. That is why His Honour said yesterday that there was no doubt whatsoever that a reasoned amendment can only be an indication for the record as to why a member or a party intends to vote against the principle of the bill. I am satisfied, even though my hon. friends opposite find defects in the bill, that they will not vote against the bill. They will not vote against the principle of disclosure, the principle of assistance to candidates and the limitation of expenses.

I do not complain that my hon. friend has moved a second reading amendment. I do not reproach him. I am merely using this instance to illustrate what is involved in moving a second reading amendment. It should be preceded by a political decision by a party or a member that he or the party is going to do everything possible to defeat the bill on second reading, and then, once having made that political decision, he or the party proceeds to use this device to reach the objective. As His Honour pointed out, it is obvious that in recent times that strict application has not been followed. I hope we will get back to it.

I disagree with the hon. member for Peace River (Mr. Baldwin) who argued that the 1968 amendments to the rules changed the significance of a second reading motion or second reading adoption in the House of Commons. I know there were opinions at that time that this was the case. I certainly never accepted that view. At that time, I proposed to speak in the debate if the occasion arose so that I could reinstate what I felt to be the importance of the second reading, namely that it was an adoption of the principle of a bill. That is all.

In one of his rulings, Mr. Speaker Michener ruled that there could be a principle or several principles in a bill. The authorities usually refer to the principle of a bill. Mr. Speaker said that it was possible to find a number of principles in any bill and that in order to found a proper second reading amendment, it was essential to oppose the principle of a bill or set up an opposing proposition to the principle or principles contained in the bill.

The hon. member for Peace River referred to that citation at page 527 of the 17th edition of *Erskine May* in which he categorizes reasoned amendments as follows:

(1) It may be declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the bill.

It seems to me that has been the key paragraph and that in practice, the other two categories proposed by May have seldom been used to support the validity of second reading amendments. If they were, those second two paragraphs are so broad that if they were used as a foundation many more amendments would be put on second reading. I agree with the hon. member for Peace River that if those second two paragraphs are valid, the door is wide open. I say this because paragraph three reads:

• (1220)

It may seek further information in relation to the bill by committees, commissioners, or the production of papers or other evidence.